REMARKS

Claims 1-50 are pending in the instant application. Claims 1-24 and 42-50 have been withdrawn from consideration pursuant to a restriction requirement. Claims 25-41 stand rejected. Reconsideration of the instant application is respectfully requested in light of this paper. This paper has inserted no new matter.

I. BIB DATA SHEET

The Office Action indicates that the Bib Data Sheet incorrectly identifies "Rober" Knoll, rather than "Robert" Knoll, as a co-inventor and requests correction. Applicants submit simultaneously herewith, documentation sufficient to correct this informality.

II. DRAWINGS

The Office Action indicates that Figs. 22A and 22B appear to not be numbered consecutively as required by MPEP 608.02. Applicants propose submitting revised drawing sheets 1/16 through 16/16 moving Figs. 22A and 22B from sheet 12/15 to a dedicated sheet 16 and renumbering the remaining sheets to indicate a total of 16 drawing sheets. If this proposal meets with the Examiner's approval, the above-proposed drawing sheets will be submitted with the next submission.

III. TITLE

The Office Action suggests revising the title to read "Preforms For Polypropylene Containers." Applicants will so amend the title upon notification of allowable subject matter if the claims so warrant at that time.

IV. ART REJECTIONS

Claims 25-32 and 38-41 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,357,288 to Oas et al. (Oas). Claims 25-41 stand rejected under 35 U.S.C. §103(a) as

unpatentable over Oas in view of EP 0737621A2 to Collette (Collette). For the reasons set forth below, Applicants respectfully traverse these rejections.

A. Anticipation

Applicants respectfully assert that Oas fails to anticipate claims 25-32 and 38-41.

Claims 25-32

The Office Action states that Oas discloses a bottle wall having a thickness of 0.015 to 0.03 inches made from a parison having a wall thickness of 0.16 inches and concluding that, based on these dimensions, this meets the limitation of claim 25 stating "the preform sidewall having a thickness at least approximately 2.3 times the thickness of the container sidewall." Based on the given thicknesses relied upon by this rejection, the parison wall thickness of Oas ranges from 5.33 times thicker than the bottle wall of Oas (calculated by 0.16 inches divided by 0.03 inches) to 10.66 times thicker than the bottle wall of Oas (calculated by 0.16 inches divided by 0.015 inches).

Claim 25 has been amended to require that the preform sidewall have "a thickness of approximately 2.3 to 4.8 times the thickness of the container sidewall." The 5.33 to 10.66 range disclosed by Oas does not, therefore, teach or suggest the preform of claims 25-32. Withdrawal of this rejection is respectfully requested.

Claims 38-41

The Office Action states that the radial stretch ratio of claim 38 would be inherent in the production of the Oas bottles. Applicants do not agree that the doctrine of inherency is applicable to support this rejection.

Nonetheless, Applicants have amended claim 38 to address axial stretch ratio. Specifically, claim 38 now requires an average axial stretch ratio of "less than approximately 2.0:1...." The only disclosed axial stretch ratio in Oas is a ratio of 2.2:1, which is outside of the range claimed by claim 38. Oas does not, therefore, teach or suggest the preform of claims 38-41.

B. Obviousness

First, Applicants have shown above that a *prima facie* case of anticipation has not been made against claims 25-32 and 38-41 because the elements identified above as not present for anticipation are not remedied by Collette. This obviousness rejection cannot cure the defects of the anticipation rejections. Therefore, this obviousness rejection cannot stand as against claims 25-32 and 38-41 for the same reasons set forth above in contravention of the anticipation rejections.

Second, Applicants respectfully assert that Collette fails to lend any relevant teaching to support a rejection of claims 25-41. The disclosure of Collette is in no way related to a preform or container constructed of polypropylene and its disclosures are inapplicable to the inventions claimed in the instant application. The Abstract of Collette makes clear that the disclosure is related to a "polyester biaxially oriented bottle." Collette goes further to limit the polymers available for use with its disclosure to PET, acrylonitrile, polyarylate polycarbonate and similar polymers. Specifically, Collette states, at Page 2, lines 19-21:

> "it is to be understood that several polymer candidates provide the clarity and physical properties deemed necessary to produce refillable plastic bottles and like containers. These polymers include polyethylene terephthalate (PET), acrylonitrile, polyarylate polycarbonate, etc."

All of the specific parameters disclosed by Collette (e.g. sidewall thickness) relate to PET, not polypropylene. Nowhere does Collette ever link, directly or through suggestion, polypropylene to the disclosed parameters.

The Office Action states that "Oas and Collette are analogous because they both deal with parisons for blow molded bottles, which bottles have sidewalls that are several times thinner than the parisons from which they are made." Applicants respectfully assert that even if Oas and Collette were analogous for this reason, Applicants believe they are not, the fact is irrelevant to the present rejection because one of ordinary skill in the art would not have found it obvious to

use the teachings related to production of containers of a non-polypropylene material (PET in Collette) to construct the polypropylene container of Oas. Applicants addressed this very issue with respect to the teachings of a PET container by Schmidt (U.S. Patent No. 5,804,016) in their Amendment Under 37 C.F.R. §1.111 filed November 10, 2003 (Amendment) and incorporate those arguments by reference.

More specifically, one of ordinary skill in the art would not have found it obvious to combine the PET-specific teachings of Collette with the PP-specific teachings of Oas. One of ordinary skill in the art would have understood that a change of material would dictate other changes (e.g. dimension, stretch ratio) in the preform and container of Oas because the two polymers behave differently. Changing the polymer employed for the preform of Oas will necessarily result in a change in how the preform performs under injection molding and stretch blow molding. One of ordinary skill in the art would understand that changing the PET of Oas' preform to PP would require corresponding changes in the configuration of the PP preform to accommodate the changes in material properties. (See, Decl. of Knoll, ¶ 21 submitted with Amendment). For example, PP possesses very different characteristics than does PET causing PP to behave differently when subjected to stretch blowmolding. By way of example only: (1) PP has a tensile strength of about 2990 to 5260 psi whereas PET has a tensile strength of about 6680 psi, and (2) PP has a modulus of elasticity of about 156 to 185 Kpsi whereas PET has a modulus of elasticity of about 484 Kpsi. These are very important characteristics of a polymer that must be considered when designing a preform for injection and later blow molding into a container. (See, Decl. of Knoll ¶ 22 submitted with Amendment). For these reasons, one of ordinary skill in the art would not combine the teachings of a PET preform (e.g. Collette) with the teachings of a PP preform (e.g. Oas), but rather would inject substantial changes to PET-related teachings before attempting to incorporate them into a PP preform, if incorporated at all.

Additionally, neither Oas nor Collette provide any motivation to import the PET-specific teachings of Collette to the PP-specific teachings of Oas. The Office Action relies solely on the fact that Oas and Collette are analogous because they both relate to parisons for producing blow molded containers. This is insufficient. "[T]he mere fact that teachings found in the prior art could be combined as proposed by an examiner does not make the combination obvious 'absent some teaching, suggestion or incentive supporting the combination.'" *Ex Parte Metcalf*, 67 USPQ2d 1633, 1635 (Bd. Pat. App. & Int., 2003)(*citing Carella v. Starlight Archery and Pro Line Co.*, 231 USPQ 644, 647 (Fed. Cir. 1986)). Neither Oas or Collette provides any teaching or suggestion of using Collette's PET-specific parameters with the PP preform of Oas.

Accordingly, the combined teachings of Oas and Collette neither enable nor render obvious the invention of claims 25-41 of the instant application. Applicants respectfully request the withdrawal of the outstanding rejections.

CONCLUSION

Applicants assert that this application is in condition for allowance. Early action to that end is requested. An Information Disclosure Statement and PTO-1449 are attached herewith.

Respectfully submitted,

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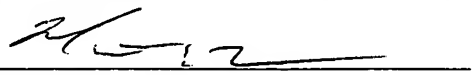

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